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Hamre, Schumann, Mueller & Larson, P.C.
Post Office Box 2902-0902
Minneapolis, MN 55402

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,119

Applicant(s)

KIM, MOON-YOUNG

Examiner

Dominic D. Saltarelli

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 8 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the performance module" in lines 3 and 6.

There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "data encoding section" in lines 4 and 7.

There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "transmission module" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "performance module" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 5-11, 13, 14, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hjelsvold et al. (6,546,555) [Hjelsvold].

Regarding claim 1, Hjelsvold discloses a method of managing contents data for digital broadcasting comprising the steps of:

a) collecting contents data for digital broadcasting in the form of an application (location and allocation of AIU data, col. 2, lines 1-11; col. 6 line 51 – col. 7 line 10; and col. 12, lines 1-10);

b) designing an application definition file (ADF) depending on characteristics of respective contents contained in the application (SMIL script file, col. 4, lines 51-64; col. 5 line 61 – col. 6 line 6; col. 7 lines 11-38; and col. 11 lines 16-45);

c) inputting the designed application definition file (ADF) and the application into a server (col. 5 line 61 – col. 6 line 6);

d) when transmission of the application together with the program is required, processing the application in accordance with the input application definition file (ADF) followed by transmitting the processed application to a viewer together with the program to which the application is relevant (col. 8, line 41 – col. 9 line 44).

Regarding claim 2, Hjelsvold discloses the method of claim 1, wherein the step a) comprises the sub-steps of:

1) defining a transmission standard of the application (objects for distribution are in a streaming format, for example, RealMedia streaming format, col. 4, lines 38-50);

2) defining a name of the application (an inherent feature, as manipulation of the AIU objects in the digital environment requires naming [identifying] them);

3) defining an executing environment of the application (a requirement to allow for display of and interaction with the AIUs in the customer's browser, col. 9, lines 34-44);

4) defining an encoding way of the application (defining the transmission standard to be a streaming format, as shown above, is to define encoding way, see also col. 9, lines 28-33 and col. 4, lines 29-31);

5) defining a method to transmit the application (see above regarding transmission standard and encoding way); and

6) defining the application's own information (col. 12, lines 1-10).

Regarding claim 5, Hjelsvold discloses the method of claim 1, wherein in the step c), the ADF is inputted by correcting the ADF when the added content is made in case of adding new contents to the application stored in the server (AIU definitions may be extended automatically or manually, col. 6, lines 15-19 and

col. 7, lines 28-38, which adjusts the generated script file which controls the processing of the AIUs, col. 9, lines 12-27, as inclusion of AIUs and associated hyperlinks defined by this script file is based on which version is desired to be sent to a customer, col. 11 line 52 - col. 12 line 10).

Regarding claim 6, Hjelsvold discloses the method of claim 5, wherein in the step c), the ADF is putted to the server automatically by using the transmission protocol from outside (see fig. 1 which shows the source of the script files, media file generator 17, as distinct from streaming server 16, requiring a transmission protocol to transmit data from the one server to another).

Regarding claim 7, Hjelsvold discloses the method of claim 1, wherein the step d) comprises the sub-steps of:

- 1) loading the ADF from the server at starting time when the application in the server is transmitted together with the program in request of a main controller section that manages a broadcasting schedule of whole programs (col. 5 line 61 – col. 6 line 6, where the whole programs being broadcast are hypervideos being requested by customers, col. 9, lines 50-63, and the broadcasting schedule determined by customer requests);

- 2) giving an information of a command for encoding the application based on the loaded ADF (script file determines which sequences are to be encoded and transmitted, col. 9, lines 1-33); and

3) commanding to generate a system information necessary to which the application is broadcasted (col. 9, lines 1-33).

Regarding claim 8, Hjelsvold discloses a system for managing contents data for digital broadcasting comprising:

a main control section for controlling an operating status and flow of an application server section (fig. 1, service administration system 30) by transmitting and receiving a control signal to and from the application server section (col. 6, lines 15-19); and

an application server section for managing contents data (fig. 1, filtering server 10), wherein the contents data are collected in a form of an application (location and allocation of AIU data, col. 2, lines 1-11; col. 6 line 51 – col. 7 line 10; and col. 12, lines 1-10) and an application definition file (ADF) is designed depending on characteristics of respective contents contained in the application (SMIL script file, col. 4, lines 51-64; col. 5 line 61 – col. 6 line 6; col. 7 lines 11-38; and col. 11 lines 16-45) such that at the transmission of the application together with a program, the application is processed in accordance with the application definition file (ADF), followed by transmitting the processed application to a viewer together with the program to which the application is relevant (col. 9, lines 1-33).

Regarding claim 9, Hjelsvold discloses the system of claim 8, wherein the application server section comprises a control module (fig. 1, media file generator 17 which controls the assembly of hypervideos, col. 5 line 61 – col. 6 line 6), a performance module (fig. 1, WWW server 20, which contains media file generator 17 and thus controls performance of the system), a transmission module (fig. 1, streaming server 16), a storage module (14), a monitor module (fig. 1, commerce server 26 which monitors for customer requests and payments, col. 6, lines 7-14), and an information module (fig. 1, database 21).

Regarding claims 10 and 11, Hjelsvold discloses the system of claim 8, wherein the application server section brings all files constructing the application in an exterior other server together with the application definition file of the application by receiving commands that are performed by unit of application from the exterior other system or the application server section stores and manages files in unit of application together with the application definition file (col. 5 line 61 - col. 6 line 6, wherein the repositories which contain the application data are either internal or external to the filtering server, col. 4, lines 22-37).

Regarding claim 13, Hjelsvold discloses the system of claim 8, wherein the application server section provides a monitoring information in an application server to an operator (col. 9 line 64 – col. 10 line 5 and col. 14, lines 5-13).

Regarding claim 14, Hjelsvold discloses the system of claim 8, wherein the application server section processes several protocols supporting types of contents data (the several protocols are the different types of streaming formats that are supported by the system, col. 9, lines 1-33).

Regarding claim 17, Hjelsvold discloses the system of claim 8, wherein the performance module of the application server provides a general and flexible interpretation method for compatibility with various communication protocols with an exterior server, and programs of the application server supporting the various communication protocols convert the contents data receiving from the exterior servers data to be utilized in the application server (the system is capable of transcoding data among several different streaming formats as needed, col. 9, lines 1-33).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjelsvold.

Regarding claim 12, Hjelsvold discloses the system of claim 8, but fails to disclose the application server section transfers the application definition file to an exterior by request of the exterior, and searches and corrects the information for the application that is stored by an exterior controller.

Examiner takes official notice that it is notoriously well known in the art to store application data in a system remote from the system which will use or manipulate the data, allowing distributed networks to share resources which enhances the abilities of each individual networked system across the network, and to monitor and correct stored information to maintain the accuracy and integrity of said information.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Hjelsvold to include the application server section transfers the application definition file to an exterior by request of the exterior, and searches and corrects the information for the application that is stored by an exterior controller, providing the benefits of a distributed network for managing digital contents which increases the capacity and capabilities of the system without requiring duplication of the application server section and also maintain the accuracy and integrity of the stored applications.

Regarding claim 15, Hjelsvold discloses the system of claim 8, wherein the application server section provides online data (AIUs hyperlink to other

contents also available for downloading, col. 11, lines 16-37 and col. 12, lines 1-10), but fails to disclose also providing offline data.

Examiner takes official notice that it is notoriously well known in the art to provide offline content which supplements a program, said content stored at a receiver along with the received program, allowing a user to access a limited amount of additional content without requiring an online connection, preserving the bandwidth of an active on line connection and allowing a user to access stored supplement content at a later time when no on line connection may be available.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Hjelsvold to include providing offline data for the benefit of allowing a user to access a limited amount of additional content without requiring an online connection, preserving the bandwidth of an active on line connection and allowing a user to access stored supplement content at a later time when no on line connection may be available. The online and offline data would be categorized as such by the meta-data repository.

Regarding claim 16, Hjelsvold discloses the system of claim 15, wherein a relative information of the offline data is collected by a performance command from the performance module which connects to an exterior other server, stored in a storage module, and transferred to the contents data encoding section by the request in advance and the online data is collected by the performance module

which connects to the exterior other server by receiving the request from the data encoding section, and directly transferred to the data encoding section through the transmission module without storing data by the data storage module (the nature of offline and online data is to store the offline data ahead of time and to made the online data available over the network connection upon request, and the above steps simply describe the process of downloading offline content in advance and making online content available on demand).

Conclusion

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Signature: _____

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600